

111TH CONGRESS
1ST SESSION

H. R. 2792

To amend title I of the Employee Retirement Income Security Act of 1974 to require individual account plans which permit participants and beneficiaries to direct the investment of assets in their individual accounts to include in pension benefit statements appropriate points of comparison to demonstrate relative performance of investment options under such plans.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 2009

Mrs. DAVIS of California (for herself and Mr. GEORGE MILLER of California) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend title I of the Employee Retirement Income Security Act of 1974 to require individual account plans which permit participants and beneficiaries to direct the investment of assets in their individual accounts to include in pension benefit statements appropriate points of comparison to demonstrate relative performance of investment options under such plans.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Retirement Savings
3 Transparency Act of 2009”.

4 **SEC. 2. POINTS OF COMPARISON FOR INVESTMENT OP-**
5 **TIONS UNDER INDIVIDUAL ACCOUNT PLANS.**

6 (a) IN GENERAL.—Section 105(a)(2) of the Em-
7 ployee Retirement Income Security Act of 1974 (29
8 U.S.C. 1025(a)(2)) is amended by adding at the end the
9 following new subparagraph:

10 “(D) POINTS OF COMPARISON FOR IN-
11 VESTMENT OPTIONS UNDER INDIVIDUAL AC-
12 COUNT PLANS.—

13 “(i) IN GENERAL.—In the case of an
14 individual account plan which permits a
15 participant or beneficiary to direct the in-
16 vestment of assets in their individual ac-
17 count, any pension benefit statement under
18 paragraph (1)(A)(i) shall include, as deter-
19 mined periodically by the Secretary in con-
20 sultation with the Securities and Exchange
21 Commission, appropriate and consistent
22 points of comparison for each of the fol-
23 lowing:

24 “(I) the amounts of the fees as-
25 sessed in connection with each invest-

1 ment option made available for elec-
2 tion under the plan, and

3 “(II) the historic returns net of
4 fees and expenses for each such in-
5 vestment option for the previous year,
6 5 years, and 10 years (or for the pe-
7 riod since inception, if shorter), in-
8 cluding a separate point of compari-
9 son with respect to each such time pe-
10 riod.

11 “(ii) DIFFERENCES IN CLASSES AND
12 TYPES OF INVESTMENTS TAKEN INTO AC-
13 COUNT.—In selecting or developing the
14 points of comparison pursuant to clause
15 (i), the Secretary, in consultation with the
16 Securities and Exchange Commission, shall
17 take into account, to the extent possible,
18 differences between classes and types of in-
19 vestments.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 this section shall apply with respect to pension benefit
22 statements for calendar quarters beginning on or after
23 January 1, 2010.

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